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ON

PARLIAMENTARY REFORM.

1831

AN
ADDRESS

TO THE

MEMBERS OF THE LEGISLATURE

ON

REFORM.

LONDON :
JAMES RIDGWAY, PICCADILLY.

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CHARLES WOOD AND SON, PRINTERS,
Popple's Court, Fleet Street.

AN ADDRESS,

&c. &c.

“TIME,” said Lord Bacon, “is the greatest innovator.” In this short sentence, what a momentous truth is conveyed! What a powerful reply to those who oppose all reform! *Time has innovated*: the circumstances of society have altered; the constitution itself has undergone changes in the lapse of years; yet, say the anti-reformers, we will listen to no innovation. But can they prevent the progress of that “*greatest of innovators, Time?*” And how absurd is the idea of supposing, that whilst time is progressive, laws can be stationary.

The great original principle of power and representation was property; and ac-

cordingly we find, that in the earlier stages of our history the power was chiefly vested in the great baronial proprietors. In how few hands property was then vested, we may judge from the fact, that in the reign of William the First the vassals of the crown were only six hundred, and that they enjoyed the whole land of the kingdom, with the exception of the royal demesne. In process of time this property became subdivided, and the right of voting being extorted from the crown by the greater barons, it seems to have been considered politic to extend it to those who were less opulent and powerful.

Afterwards, as agriculture and mechanical arts improved, "the peasants," as Professor Millar observes, "became gradually emancipated from slavery, and exalted successively to the condition of farmers, of tenants for life, and of hereditary proprietors. A great proportion of them engaged in mechanical employments; and being collected in towns, where the arts were most conveniently cultivated, had in many cases become manufacturers and

merchants." Hence the origin of boroughs, which, as they became wealthy, were entitled to send members to parliament. And how strongly this principle of the representation of property was engrafted on the ancient constitution, may be judged from the circumstance, that as fresh towns grew up and became opulent, they were entitled to return representatives.

But the representatives in these early times appear to have been returned merely for the purpose of voting for the taxes which were paid by the particular towns they represented; and as the expense of paying their representatives fell with severity on some of the less opulent towns, they in many instances gave up their privilege. From the reign of Edward the First downwards, this appears to have been frequently the case; and Browne Willis has recorded a number of boroughs which thus relinquished their rights.

If we attend to the state of art and science at that early period, we must be convinced that property has undergone a

great change since those days ; that a new species of property has in point of fact been created, which is not represented.

Trade and manufactures do not appear to have flourished in England to any great extent before the reign of Henry the Seventh. The great advances then made in the woollen and other trades completely altered the face of the country, and the state of society. These advantages were confirmed, when, in the reign of Elizabeth, the trade of the Low Countries was ruined, and transferred to Great Britain.

Great commercial enterprises were now undertaken ; large fortunes were realized by them ; and a fresh source of national opulence was opened.

As society advanced, commercial prosperity increased. Banks were established ; companies were formed ; and when tranquillity succeeded to intestine tumults, and the rights of individuals were firmly secured by the revolution of 1688, the increase of wealth proceeded with accelerated speed.

How different is the state of property

now from what it was in former times ! Our commerce then did not exist ; trade was in its infancy ; banking capital was a thing unknown : there were no canals or other great public works ; and the funded interest was not called into existence ! Can then the state of representation in those early days be a fit model for us now to follow ? Can the principle of the constitution “ that property should be represented ” be said to be preserved ? Let us take our stand in reforming, as Montesquieu recommends, on the first principles of the constitution ; and, keeping those principles in view as our guide, adapt the representation to the altered state of property.

“ Do you not think that you must come to Parliamentary Reform soon ? and is it not better to come to it now, when you have the power of deliberation, than when, perhaps, it may be extorted from you by convulsion ? There is as yet time to frame it with freedom and discussion ; it will even yet go to the people with the grace and favour of a spontaneous act. What

will it be when it is extorted from you with indignation and violence?" Such were the words of Mr. Fox, in his celebrated speech on the present Earl Grey's motion for Reform in 1797; and the admonition conveyed in them seems far more applicable to the present times than even to those in which it was uttered. At that period, the sanguinary events of the first French revolution had scared the minds of the English; and, fearful of the horrors of anarchy, many even of the hitherto staunch advocates of liberty were deluded by the specious sophistry of the minister, who told them, "this is not the time." "This is not the time" was the argument by which both the question of Catholic Emancipation and of Parliamentary Reform were uniformly met. In war or in peace, in disturbed or quiet times, in prosperity or adversity, the ministers invariably said, "this is not the time." That argument can surely now avail no longer; now, when the bright and glorious example of regenerated France has stripped reform of all its terrors, and

freedom has been sanctified by mercy ! — now, when the friends of real reform are powerful to do good ; strong in “ the King’s name ; ” strong in the zealous support of an immense majority of the nation ; now, when the spirit of reform pervades society, powerful for good or for evil, as it is well or badly used ! “ This is indeed the time,” when the friends of the constitution must make one great effort to repair its defects, or be prepared to mourn at no distant day over the fallen fortunes of Great Britain.

If there be one truth more strongly written in the pages of history than another, it is this ; that it is vain to attempt to stem the tide of popular opinion, and that such attempts are generally fatal to those who make them, and produce in an aggravated form the very evils that they were intended to prevent. Had Charles the First yielded some points of prerogative in the early stage of the disputes of that era ; had he at an earlier period consented to the reforms afterwards proposed by Clarendon, he might have retained his

crown ; but he persisted too long in his adherence to his high ideas of kingly powe, and when the wise and prudential suggestions of Clarendon were at length made, they came too late. “ His wishes,” to use the words of Lord Grenville, “ were indeed virtuous, but his plan was no longer practicable.” When, untaught by the example of his predecessor, James the Second attempted to oppose his individual will to the voice of the nation, he too lamentably experienced the resistless force of popular opinion. And if we look to the new world, do we not there find examples of this truth no less strong than glorious? Can any one doubt, that if the ministers of England had wisely conceded to the demands of the North Americans in the first instance, no revolution would have ensued there? In the instructions to the delegates to Congress in 1774, we find these expressions : “ It is neither our wish nor our interest to separate from Great Britain. We are willing, on our part, to sacrifice every thing which reason can ask, to the restoration of that tranquillity for which all

must wish. *** That you will be pleased to interpose, with that efficacy which your earnest endeavours may ensure, to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions of future encroachment, to establish *fraternal love and harmony through the whole empire; and that that may continue to the latest ages of time, is the fervent prayer of all British America!*” Such were the sentiments of the Americans; and to a very late period of the contest there can be little doubt that they would have gladly listened to any measures of conciliation. In South America the same great moral has been taught to governments; there too the spirit of freedom has triumphed; there too has been exhibited the impotence of power, when it attempts to stifle the voice of the people!

There are those who imagine that popular representation would expose us to the want of sufficient energy in the conduct of public affairs: I must confess that I partake not in these fears, because all

history proves that freedom is power, and that corruption withers whatever it touches. What ! was there want of energy in free Greece, when with an handful of patriots she routed the myriads of the despot of Persia? Rome too lost her energy when she lost her freedom. When I look back on the triumphs of antiquity ; when I read the accounts of heroism which the records of free Greece and Rome narrate ; when I peruse these spirit-stirring accounts of combats, where freemen fought but to conquer, and conquered but to be free ; I blush for the intellects of those who promulgate the paltry doctrine that free assemblies are not energetic ! Where, let me ask, where, under any form of government, will you find the spirit, the patriotism, the energy, that nerved the arm of Greece, and “wielded her force ?” I reply to this argument, not by any cold or studied sophistry ; but I appeal to the victories of Marathon, Salamis, and Thermopylæ ; I point to the monuments of Grecian glory, which to the latest moments of time will proclaim the resistless power of freedom !

Look again at Italy? What was the age of her triumphs, her glory, and her prowess? The age of her freedom. It was not till the curse of slavery fell on her sons, that they lost their energies, and sunk into bondage! Look to France. What was the age of her triumphs? Was it when under arbitrary monarchs she fought at Agincourt, at Blenheim, and at Ramillies? Was it not rather when, in the early days of the republic, her armies swept like a torrent over the plains of Italy, and victory attended on their march?

And if I am to look to English history, where shall I find most energy displayed, under the protectorate of Cromwell, or the reign of Charles the Second? During the former, I find union at home and victory abroad; during the latter, I see the minions of France, who had quailed beneath the prowess of Cromwell, tampering with the liberties of England! Under Cromwell, England could give law to Europe; under Charles, she became the sport of the profligate court of Louis!

Do I then advocate a republic in pre-

ference to a monarchy? No; but I wish to see the spirit of freedom reinfused into the constitution of Britain, convinced as I am that it will strengthen her power, and consolidate her greatness.

It is my firm belief, that our present mixed form of government is the best adapted to this country; and so far am I from wishing to see a change of its structure, that I am convinced any such change would be productive of the greatest and most deplorable evils. It is to avert these evils; it is to prevent revolution by reform; it is to preserve the state by restoring it, that I advocate an alteration of the present state of the representation. It is not on the model of Grecian, of Roman, of Venetian, of French, or of any other republican constitution, that I wish to reconstruct the state of this country. To a better, a purer, a more durable, and a more glorious model I look—that of the ancient laws and customs of this realm! It is English liberty I advocate; and it is the English constitution which I wish to see the model of reform!

In defending the cause of freedom, I need not look to other countries for examples. It is but to point to the glorious progress of British liberty; to mark her triumphant course in spite of all the obstacles in her path; to look to her early essays against the iron power of John, when the great charter was extorted; to see her gradual progress under the Tudor and Stuart dynasties; to see how at length she burst through all the barriers of despotism, and overthrew the powers of bigotry and tyranny! It is but to point to the energy of British freedom, to prove how resistless is her might!

Do I wish to impair the prerogative of the crown? No! but to free that prerogative from the shackles of party and faction! Preserve, I say, the three estates of the realm, king, lords, and commons; but abolish the system of boroughs and corporation influence, which is unknown to the laws of England!

How ridiculous, how absurd is the idea, that reform will diminish the energy of government! Reform will, indeed, render

government powerless for evil ; but, for good, it will nerve it with a giant's strength. It will, indeed, prevent useless and lavish expenditure of money ; but it will enable the minister to dare boldly what the welfare of the state requires, without the fear of his measures being defeated by interested parties. And let me ask, will the voice of the minister be less powerful in the cabinets of foreign princes, because it is the echo of the voice of the nation ? Will the arm of the government be more feeble in war, because it strikes with the force of an united people ? Our strength lies in our union ; and our union must be founded on freedom.

There can be, I apprehend, but little doubt that the great majority of the educated and intelligent portion of the community are at present decidedly favourable to reform. From all parts of the kingdom, petitions numerous and respectably signed have been sent up to parliament in favour of it, whilst scarcely one has been sent expressing contrary sentiments. If indeed we are to take these petitions and

the discussions on them as the criterion of popular opinion, it would be difficult to name any subject on which so great unanimity has prevailed; whilst the talent displayed by many of the reformers at the public meetings has been such as would not have disgraced any assembly, and would of itself be ample proof how unfair is the present state of the representation. Not a few of those, whose speeches have displayed such eloquence and intelligence, are at the present moment excluded even from voting for representatives; and it cannot be doubted, that many of them would under a reformed system prove ornaments of the House of Commons. From all the large towns petitions have been sent up; from the country they have been equally numerous; and no rational man can doubt, that a decided majority of the respectable inhabitants of Great Britain are at this moment dissatisfied with the state of the representation, and zealously bent on obtaining an improved system. Shall the government then, in defiance of the lessons of all history, in defiance of the

awful warnings to governments which it contains, rashly oppose the wishes of the people ; or by a wise and timely concession avert the impending storm, and preserve unimpaired the foundations of the constitution ? But if this were expedient policy on the part of a government under any circumstances, how much stronger is the case when justice and reason coincide with the popular sentiment ? Even if the opinion of the people appeared to be erroneous, it might become a question how far a wise government should resist it ; even then it would afford matter for grave consideration, whether the attempt to resist the wishes of the nation would be possible ; or whether such an attempt would not be productive of infinitely greater evils than those it was intended to avert ? But in the present case, the question is not whether some evil should be incurred in the hopes of preventing still greater ; but whether great and positive advantages should be refused, at the imminent risk of the most disastrous and lamentable consequences ?

“ In a free state,” says Blackstone,

“every man, who is supposed a free agent, ought to be in some measure his own governor; and, therefore, a branch at least of the legislative power should reside in the whole body of the people.”

“But,” he continues, “in so large a state as ours, it is very wisely contrived, that the people should do that by their representatives, which it is impossible to perform in person.” If the whole people were competent judges of political subjects, and if it were probable that they could give independent votes, it might certainly appear just that they should all have a voice in returning representatives. But inasmuch as from the nature of things it is quite impossible that the working orders can arrive at any just knowledge of public affairs; and as they must naturally vote according to the instructions of their masters and superiors, it does not appear wise or politic to adopt so indiscriminate a principle of representation. The people of this country have a right to be free; they have also a right to be well governed. But to me it appears, that universal suf-

frage would deprive them of one or the other of these rights. If the lower classes voted according to their own unbiassed opinions, they must of necessity return many members utterly unqualified for their duties as senators. How could voters of this description possibly understand the merits of any great public question, and how could they be competent to determine what candidate was most likely to advance the welfare of the country? If then they gave their free unbiassed votes, how would that be consistent with the right to good government; whilst on the other hand, if, which would probably be the case, they were influenced by their superiors, what becomes of their liberty? What is it but a mockery of liberty, to give votes to those, who from their situations in life must give their votes in ignorance of the merits of the candidates, or according to the directions of others?

Universal suffrage then appears to me to be opposed to the very principles on which true reform should rest; these principles are—freedom and good govern-

ment ; but neither of them seem to be compatible with universal suffrage. Besides, where is the line to be drawn? Are females to be excluded? Are they to be debarred from the right of voting? No one has as yet advocated the giving votes to females, and it is plain that such a proposal could never be seriously entertained. Yet there is in it nothing more absurd, than in the idea of giving the elective franchise indiscriminately to all the males of the kingdom.

That plan of reform appears to me most advisable, which shall ensure the greatest number of really independent voters ; and what I should be inclined to propose would be, that the right of voting should be given to all householders. There is in this, I conceive, nothing visionary, nothing fanciful, nothing revolutionary ; but a practical plan, which could not fail of ensuring the greatest benefits to the state. It would not be an *innovation* on the constitution, but a restoration of it to its primitive purity.

It was the opinion of Serjeant Glanvill,

that the common-law right of paying scot and lot was the right of election, when no particular right intervened; and this opinion of his is supported by that of a parliamentary committee. This, therefore, would be in accordance with the principles of the constitution, and is perhaps the wisest plan that could be adopted.

In the first place it would be an act of justice. In Liverpool, Bristol, and other large towns, there are many individuals of great intelligence, great respectability, who have at present no voice in returning members to parliament: the tradesman, the attorney, the apothecary, are frequently without any voice in the representation. But is not this a great and crying evil? Is it not a blot on the constitution of England, that so large a portion of the wealth and intelligence of the country should be unrepresented? According to the first principles of the constitution, these classes of men have a right to be represented. According to every principle of justice and reason they are entitled to it. Here is a large

body of individuals, who have small independent fortunes, who have considerable intelligence, and who are therefore competent to give free and sensible votes.

Here too, remember, is a large class of men who have a stake in the country, who are interested in preserving public peace and order, and who would not be likely to vote for any man who entertained opinions inimical to the general welfare. By extending the basis of your representation so as to admit householders, you, I would say to the legislature, secure the zealous support of a large and respectable class of men in your favour. No danger is incurred, no risk is run ; for the class of men to whom the right of voting would be extended, is that middle order of Englishmen, than whom no men are more distinguished for sterling good sense ; nor are any men less likely to countenance any wild and revolutionary projects. The plan is just, it is constitutional, it is practical, it is safe. It is just, for it admits a class of men, who contribute largely to the support of the state, to the exercise of a pri-

vilege for which they are perfectly qualified. It is constitutional, for it is in accordance with the expressed opinion of high constitutional authorities. That it is practical no man can doubt; and it is not only free from danger, but would increase the security of the state by satisfying the just wishes of the people, and ensuring their support.

By this extension of the elective suffrage, bribery and corruption would be materially checked. Such scenes as now too often occur in our great towns would become less frequent, because few men would be able to afford to bribe on so large a scale as would be necessary to ensure any prospect of success; and the class of men to whom the suffrage would be extended, would not be likely to be influenced by bribes.

But whilst I expect that bribery would be checked, I do not wish to hold out the delusive idea that it would be at once put a stop to. If any one were afflicted with a complaint brought on by years of intemperance, could he expect to be cured in a

day? But because his cure could not be instantaneous, is that any reason why he should continue his intemperate habits, and neglect those remedies which afford the prospect of ultimate benefit?

So with respect to the state. It has long deviated from the principles of the constitution, its evils are the growth of years; and no one but a visionary could fancy that they could be instantly corrected. But because they cannot be instantaneously corrected, is that any reason why they are not to be corrected at all?

In the next place, I would render residence an essential qualification. What is it but a mockery of representation, that voters should be sent down, perhaps two hundred miles, at great expense—and for what? To return a member for some town of which these voters can know nothing, and which they visit once in seven years, or it may be not so often. In point of fact it is well known, that in many places the non-resident voters carry the election. This system, fraught as it is with the

greatest evils, cannot be too speedily corrected.

With respect to the elective franchise in counties, I should be inclined to make but little alteration*. For retaining it in its present state I have the great authority of Mr. Fox, who remarked, “ I think that representation ought to be of a compound nature. The counties may be considered as *territorial* representation, as contradistinguished from *popular*.”

This I imagine is the fair view of the case. Representation ought to be compounded of every interest in the state. The popular interest, and mercantile and manufacturing interests, would be represented by extending the franchise to householders, and by giving the right of returning members to places at present unrepresented. The county members should represent territory; their representation should be *territorial*, not *popular*; and

* If the right was extended to copyholders and leaseholders, bound to pay a high rent for several years, it might be sufficient.

for this purpose I do not perceive that any great alteration need be made in the present nature of the franchise. Alterations, indeed, great alterations, may be suggested in the mode of polling, which I shall proceed now to inquire into.

What I should suggest would be, that the polling for county members should take place in the different hundreds, and that the period of election should be limited to two days. This time would be, I conceive, amply sufficient to enable every freeholder to vote; and the expense of elections would be materially diminished. Under the present system, it cannot be expected that voters should travel from distant parts of the country, neglecting their business at home for two or three days, without remuneration. It is not in human nature to expect that this should be the case. But if the polling took place in the hundreds, the voter would have less distance to come, and need not neglect his ordinary business.

Another advantage that would result from this would be, that the representa-

tion of counties would be more equal. At present, the candidate whose voters happen to be near the seat of election has of course considerable advantages over those whose influence is in more distant parts of the country. This unfair advantage would no longer exist under the proposed arrangement.

I must confess, too, that I am favourable to the proposal of dividing counties, and in the stead of two members being returned for a county at large, enabling each division to return one member. This would put an end to the system of compromises; and would not be attended with any inconvenience.

The objection that will be urged, both to this, and also to the polling by hundreds is, that these plans will throw too much power into the hands of great proprietors in the divisions or hundreds. I must confess, however, that this objection does not appear to me entitled to much consideration. Granting that an individual proprietor could influence the votes in one or two hundreds; they would be

neutralized by those of the remaining hundreds. Nor am I prepared to concede that the influence of large landed proprietors is in itself objectionable. I have already remarked that county representation must be considered as *territorial* in contradistinction to *popular*; and on this principle I maintain, that the possessors of territory ought to exercise considerable influence in the return of county representatives.

With respect to the duration of polls in towns, that I should be inclined to limit to one, or at the very utmost two days.

I now come to consider how far it might be desirable to extend the right of voting to large towns at present unrepresented.

And here again the proposed change is in perfect unison with the first principles of the constitution. “As for the electors of citizens and burgesses,” says Blackstone, “these are supposed to be the mercantile part or trading interest of this kingdom. But as trade is of a fluctuating nature, and seldom long fixed in a place, it was formerly left to the crown to sum-

mon, *pro re natà*, the most flourishing towns to send members to parliament. So that as towns increased in trade, and grew populous, they were admitted to a share in the legislature. But the misfortune is, that the deserted boroughs continued to be summoned, as well as those to whom their trade and inhabitants were transferred."

Such was the constitution in its early state; and all I now ask is, that the corruptions that have since grown up, that the blemishes that have since defaced the ancient fabrick should be removed, and that it should be restored to its original condition. "I have always," said Mr. Canning, "said, that those who call on the House for a reform, must tell whether their object is to reconstruct any part of the constitution anew, or to recal it to any specific state in which it was at any former period." In the name of the reformers of Britain I accept the challenge conveyed in this sentence, and I maintain, that the object of reform is not to introduce any foreign or novel project, not to

reconstruct the constitution anew; but to recal it to the specific state in which it formerly existed. In recommending the extension of the elective franchise to house-keepers, I have proved this on the authority of Mr. Serjeant Glanville and a parliamentary committee; and I now appeal to the authority of Blackstone, in support of the proposal of giving representatives to Birmingham, Leeds, and other large towns at present unrepresented. The principle of the constitution is, that all the interests of the kingdom should be represented. And therefore I maintain, that those sticklers for the constitution; those ardent friends of the ancient order of things; those gentry who tremble so at the idea of innovation and alteration; ay, and those warm advocates for the prerogative of the crown, who still defend the present state of the representation, are of all inconsistent men the most inconsistent! They fear that the prerogative of the crown would be impaired by reform;—but from the time of Edward the Fourth till that of Charles the Second, the kings used by

their prerogative to summon large unre-presented towns to send members to parliament. Reform would only do that by a vote of parliament, which the king had a right to do by his *prerogative*. They tremble at the idea of innovation, and stickle for the constitution ! But I maintain, that reform is not *innovation*, but *restoration* ; that it does not impair the constitution, but brings it back to its first principles. And I in return throw out a challenge to the anti-reformers, and defy them to point out a period in the ancient history of the country, when the *present* state of the representation was recognized in principle or in practice. The deviations from the constitution, the much-dreaded and talked-of innovations, have been all on the side of the anti-reformers. It is they who advocate the deviation from that great and fundamental principle of the constitution, that every interest in the state should be fairly represented. It is they who advocate *positive and direct innovations* on the ancient law and practice of the realm ; who advocate *non-*

resident votes ; a *very ancient* species of voting ; as *ancient as the 14 George III*, which first dispensed with the necessity of residence, that had been required by the ancient statutes, the 1 Henry V, the 8 Henry VI, the 23 Henry VI.

It is they who advocate the monstrous doctrine of *indirect representation* ; a doctrine absurd in point of reason, false in point of constitutional principle, and fraught with peril to the state in its operation. Henceforward then let us hear no more about the dangers of innovation ; let us hear no more about the good old times ; let us hear no more about the ancient constitution of the country. If the anti-reformers wish to be consistent, let them declare that they are advocates of “things as they are,” of the constitution of 1831, of the statutes and laws passed in these latter days ; but, in the name of common candour and honour, let them not usurp to themselves the reputation of being the champions of the ancient constitution of England.

Is it not monstrous, let me ask, that

Leeds, Manchester, Birmingham, those emporiums of national wealth, those sources of national greatness, should be without a full and fair representation? Whilst I advocate fair representation of *territory* by *county members*; of *popular interests* by *housekeepers*; of *commerce* by the *large towns of London, Liverpool, and Bristol*, can I avoid pleading the cause of the *manufacturers* of England, who are not directly represented in parliament? Whence is it that this country derived the means that enabled her in the late war to brave the world in arms, and to triumph single-handed over the combined hostility of empires? Whence came those "thews and sinews of war," but from the great seats of manufactures? And is it endurable, that these very towns, whose wealth and riches are of such vital importance to the state, should be unrepresented?

No plan of reform then can be worthy of consideration, which does not confer the right of representation on those towns.

The next point for consideration is, how far it might be desirable to disfranchise any of the present boroughs. It was never intended that small boroughs should return members; "but the misfortune was, that the deserted boroughs continued to be summoned, as well as those to which their trade and inhabitants were transferred*." So that it unfortunately happened, that the right of returning representatives was continued to those places, after the original grounds of the right had ceased to exist. When the trade and inhabitants left the boroughs, the right of representation ought also to have ceased. This point is so ably and clearly explained by Mr. Serjeant Merewether, that I cannot do better than quote his opinion on the subject: "The origin of the representation of boroughs sprang out of their separation from the county at large; the increase of population in a particular spot rendering the common division of the county into hundreds and tithings inap-

* Blackstone's Commentaries.

plicable to a place so crowded ; and hence the large towns were subdivided into wards, with their *elder* men, or *aldermen*, presiding over them ; by virtue of which separation from the county they had exclusive jurisdiction, and in consequence of the exercise of that jurisdiction within their limits, they were exempt from the interference of the sheriff. They had themselves the return of all writs, and the sheriff for that purpose could not enter their limits ; from whence it followed, that neither could he call upon them to concur in the election of the knights of the shire, nor to contribute to the payment of their wages after they were elected. With respect to duty, therefore, it was unreasonable that they should be exempted from sending representatives to parliament, or from paying their wages ; and with respect to right, it was unreasonable that they should not be represented at all ; therefore precepts were directed to them to return members for themselves, and they were compelled to pay amongst themselves their expenses."

Now this account of the origin of boroughs appears to be conclusive, as to —not the right of *disfranchising* these places, but as to the *nonexistence* at the present moment of any *right of franchise* in them. *They have ceased to be boroughs*; from the moment their dense population left them, their real existence as boroughs terminated; and from that moment they ought to have merged into the divisions of the county. It is, therefore, absurd and idle to talk about the injustice of taking away the rights of these places—the rights of one house at Old Sarum for instance. Why, according to the ancient constitution of the realm, they have no rights to lose; there are no such rights in existence. The anomaly of some half dozen houses returning members, whilst large towns are unrepresented, is not chargeable on the constitution of England. The constitution of England knows of no such discrepancies; it acknowledges the right of wealthy and populous places to be represented, but does not sanction any such right in smaller

towns. This discrepancy, this blot on the constitution, is chargeable on the *real innovators*, who have from time to time altered and defaced the ancient system.

In point of law, these *boroughs* have *ceased to exist*; the one house at Sarum, and the half dozen houses of other places, may return members; but these houses certainly do not constitute boroughs. I should propose they should be called “the *late boroughs*,” that would be a more correct appellation, and it would introduce a little more variety into the present state of the representation. There would then be, county members; members for large towns; members for boroughs; and members for “*late boroughs*.”

I will now offer a few remarks on the rights of corporations. And in the first place I maintain, that no charter from the crown can take away the common-law right of the people.

This was in fact one of the points disputed between James the First and his parliament; and it was then declared by a committee of the House of Commons, that

no royal charter can alter the right of parliamentary election.

In the next place I would remark, that the corporate rights have been in too many instances grossly abused. To take the case of Truro, which is a striking instance: Truro had always returned members; the commonalty at large returned them till 1589. In that year a charter was granted to the town by Elizabeth, constituting a mayor, and two classes of burgesses, namely, capital burgesses, and common burgesses; and specifically confirming to the latter, the right of sending two members to parliament, *or otherwise* (vel aliter) by their common council, the capital burgesses. The common burgesses, “good easy men,” appear to have allowed the capital burgesses, according to the unfortunate “vel aliter” claim, to return members at first; in return for which the capital burgesses turn round on the common burgesses, when they wish to take the right into their own hands again, and with flagrant impudence tell them they

are quite mistaken, if they suppose they have any thing to do with the election.

The charter further declared, that whenever any of the capital burgesses ceased to reside in the borough, the persons so ceasing to reside should be considered to have vacated their office, and others be appointed in their stead. But the capital burgesses soon dispensed with this clause, the non-residents were allowed to vote, and at the present moment constitute the majority of the voters ; so that first of all the right of election is taken from the common burgesses ; and then the capital burgesses, whose authority seems to be far superior to the laws of the country, very deliberately dispense with a law which they find inconvenient. Now Truro is a large and opulent place ; largely concerned in mining and other transactions, and its inhabitants are well entitled to return members to parliament. “ *Ab uno disce omnes.*” I have entered thus fully into the case of Truro, in order to show the working of the system. Truro is not

worse than many other places, the fault lies in the system, and it is of no use whatever to attempt to effect the cure by palliatives and half measures, the entire system must be changed.

Most of the present boroughs have returned members since the reign of Edward the First. But municipal corporations did not exist till the 18th of Henry the Sixth; and as the right of returning members to parliament existed consequently so long previous to municipal corporations, it is quite plain that that right was prior, and is superior to their privileges. Thus then I have, I trust, shown, that, according to the ancient laws of the realm, no injustice would be done by the disfranchisement of corporate towns; and that it is quite an error to call a few houses *boroughs*, that they are *not* boroughs, and cannot be entitled to any rights as such.

There really then appears to be no good cause why such towns should not be either entirely disfranchised, or at all events should be restricted to the right of returning only one representative, according to

the plan recommended in a recent very sensible and excellent work, "The Question of Reform considered," and originally proposed by Oliver Cromwell.

That great legislator, by depriving many of the smaller boroughs of their franchise, conferred a great benefit on the commonwealth, and has left us the model of a plan the best adapted to meet our present emergencies. Perhaps, indeed, the name of Cromwell may startle some persons; but little can that man be conversant with the history of his country, who whilst he blames the dark points of Cromwell's character, refuses on the other hand to pay the just tribute of applause to the best soldier and acutest statesman of his day; to him who first effected the union of the empire; to him, under whose auspices the navy of Britain obtained many of its proudest victories; to him who maintained the ascendancy of Britain throughout Europe, and caused the name of England to be respected by the Roman pontiff, the Bourbon monarch, and the Spanish emperor, in the plenitude of their power! Such was the man

whose powerful mind conceived and executed the plan of reform I now recommend.

I now come to the question of the ballot; and here I must deliver my sentiments with regret, opposed as they are to those of a considerable portion of my countrymen, and differing as I do from many public men, for whose sentiments on other points I entertain great and unfeigned respect. But on a great public question, that must affect so materially the welfare of the state, it is incumbent on every man not to dissemble his opinions; and I must, therefore, frankly state that I am decidedly opposed to vote by ballot.

In the first place, I conceive it would not be productive of the expected advantages. If I were convinced that it would put a stop to bribery, if I thought it would render voters really independent, I would gladly support it; but I conceive that it would be so far from hindering, that in all probability it would materially increase corruption. We are referred to the example of America; but if the account given by Mr. Fearon is correct, the vote by ballot does

not appear to prevent bribery there. He describes an election of a president, which he says is all managed by a body called caucus.

“ Since the first choice of Mr. Jefferson,” says he, “ the presidential elections are managed by private meetings of the democratic members of congress, previous to elections. They settle among themselves who shall be president. This is called, ‘ getting the appointment in caucus,’ and an instance never occurs of the votes being in opposition to caucus. When they have determined on who they wish to be president, they send circulars to their different states, pointing out by a kind of *congé d’elire* who they have resolved should be elected ; and as the right of voting for presidents is confined to a very limited number, there is no instance of the caucus being disobeyed.”

Behold then the working of the ballot ! See how this system works in the very country to which we are referred for proofs of its excellence.

The ballot, it is quite plain, would either

entirely prevent bribery, or it could not fail to *increase* it; for if a man took one bribe under this system, what is to prevent his taking three? What is to prevent his taking a bribe of A; then a greater of C; and a greater still of E? He is thus sure of his money, whichever party comes in; and not only would he be guilty of taking three bribes, but must play the hypocrite to two of the party. So much for the morality of the plan! What would be easier than to establish a caucus in England? And we see with what certainty the American caucus can regulate its operations.

As to the votes being kept quite secret, that strikes me as impossible. How are men to keep their opinions secret in this free country? Do the advocates for ballot mean to suppress the free expressions of Englishmen? Do they wish, do they expect, that Englishmen should not openly speak their minds; that they should maintain silence, or become habitual hypocrites? Will the advocates of free discussion stand forward and advocate this?

And shall we, let me ask, sacrifice the birthright of every free Englishman, the right of free discussion, at the shrine of any fanciful theory? Shall we reduce the inhabitants of this country to the alternative of being slaves or hypocrites? of fearing to speak in public, what they dare act in private? If I am offered the ballot on one side, or free discussion on the other, I would at once say, "Give me free discussion. Give me the right of openly canvassing the measures of government, and scrutinizing the conduct of public men."

But except opinions are kept secret, what becomes of the advantage of the ballot? What use would it be for a man to *vote in secret*, if his public conversation betrayed his sentiments. Is it to be supposed that the voters would not express their opinions of the candidates to their neighbours, their friends, and families? And would not the vote by ballot have a natural and powerful tendency to generate those two odious, and, thank God, *as yet un-English* vices, hypocrisy and espionage?

The candidate will not know immediately which way those he supposes to be in his influence have voted. But he will try and find out: his agents will easily discover by a man's opinions what his vote must have been.

Thus will be generated hypocrisy on the part of the voter, espionage and suspicion on the part of the candidate; the sterling frankness and simplicity of the English character will be no more; and whilst public liberty gains nothing, national morals will receive a fatal shock.

It may be said, "What do national morals gain by the present mode of election?" But my reply is, that I do not advocate the present mode of election; that I have proposed a great and sweeping change; a change which appears likely to produce all the benefits to be expected from the ballot, without its concomitant evils.

The ballot, under the present system, would do no good. The ballot by itself would be the greatest deception that was ever palmed upon the public. What

earthly advantage could be expected to result from it in corporate and borough towns? Would it not perpetuate corruption under the guise of independence?

If on the other hand the system of representation be altered; if the corporate and small borough towns are disfranchised; if all resident housekeepers are allowed to vote; if the votes are taken in the hundreds of counties, and the parishes of towns, and the time of polling is shortened; all the advantages would be obtained that the most sanguine advocates of the ballot anticipate.

Such are my opinions on the ballot; opinions offered with regret and reluctance, but which I must retain till other proofs of the merits of this mode of voting are produced, than any I have yet met with.

Neither am I inclined to advocate any material shortening of the duration of parliaments. Triennial parliaments might be attended with some advantages;—they would compel the representative more fre-

quently to meet his electors; they might thus make him more sedulous in his duty, and more watchful of the interests of the public. The frequent recurrence of elections would also, I conceive, be an additional check on bribery. It is to be hoped, though, that the other reforms I have mentioned would so purify the representation, would infuse into it so much popular energy and vigour, as would render the shortening of parliaments unnecessary; because it is plain that the too frequent recurrence of dissolutions would be a great hindrance to public business.

It must be always borne in mind, that we must endeavour not merely to have a parliament returned on free principles, but one competent to govern with energy the affairs of the kingdom. And it appears probable, that if the duration of parliaments was shortened, their efficiency would be diminished. No greater evil can be conceived than change and vacillation in the national councils.

Having, therefore, once returned mem-

bers on free and constitutional principles; having on the best consideration returned men who seem likely to defend the liberties and attend to the interests of the state, the people may, I think, well entrust their representatives with power during the space of seven years. By shortening the duration of parliaments, I doubt whether liberty would be benefited; I am very sure good government would be injured.

That some reform must take place, and that speedily, few men, I presume, will venture to question. But the consideration for the legislature—and a graver one was never submitted to it—is, will you grant reform now, when you may do so in a constitutional manner, or will you wait till the cry for reform is exchanged for that of revolution, and the kingdom is convulsed? It is now in your power to save the state, by no violent, no novel, no unusual methods, but by a simple recurrence to the first principles of the constitution. You are not required to innovate,

but to remove innovations, and to restore the constitution to its original state. You are not asked to revolutionize, but to prevent revolution. In your hands you hold the destinies of the empire; and on your votes depends the fate of Great Britain.

All the greatest men that have adorned the annals of English history were advocates of reform. It was the spirit of reform that animated the able parliamentary leaders in the time of James the First; it was the spirit of reform that fired the mind of Algernon Sydney, and pointed to Lord Russell the paths of glory; it was the spirit of reform that shook off the yoke of priestcraft in the reign of the second James, and asserted civil and religious liberty; it was the spirit of reform that breathed through the speeches, and influenced the counsels of the patriot Chatham; it was the same spirit that in later times guided the mind of Fox, when, to use the just eulogium of the poet,

“ ’Mid faction’s wildest storms unmoved,
A patriot’s even course he steered,

By all who marked his life, revered,
By all who knew his heart, beloved*."

It is for the legislators of England now to prove themselves worthy of their ancestors. It is for them to transmit to posterity the constitution they have received from their forefathers—unimpaired by revolution, but renovated by reform!

* Fitzpatrick.

